

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NORA HOXHA,)	
)	Civil Action No. 10-00355
Plaintiff,)	
)	CLASS ACTION
v.)	
)	Electronically Filed
PRIMANTI BROS. RESTAURANT)	
CORPORATION and SOUTHSIDE)	The Honorable David S. Cercone
FOOD AND BEVERAGE)	
SERVICE, INC. d/b/a PRIMANTI)	
BROS. SOUTH SIDE,)	
)	
Defendants.)	

**JOINT MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

The Parties to this matter, by and through their undersigned counsel, respectfully move this Court for an Order preliminarily approving the terms of a proposed class action settlement; approving the form and method of providing notice of the settlement to the class; and scheduling a final hearing regarding the settlement. In support of this Motion, the Parties aver as follows:

1. After arms-length negotiations facilitated by experienced mediator Robert Creo, the Parties have reached a proposed settlement of this putative class action. The Parties executed a Class Action Settlement Agreement (“Settlement Agreement” or “Settlement”), a copy of which is attached hereto as Exhibit 1.

2. Consistent with the Memorandum of Law filed herewith, the Parties respectfully request that the Court sign the proposed Order preliminarily approving the terms of a proposed class action settlement; approving the form and method of providing notice of the settlement to the class; and scheduling a final hearing regarding the settlement.

WHEREFORE, the Parties hereby move this Court for an Order (1) preliminarily approving the terms of the Settlement as set forth in the Settlement Agreement; (2) approving the form of notice and the method of providing notice of the Settlement to the Class as set forth in the Settlement Agreement, and directing that said form of notice be provided to Class Members in that manner; and (3) scheduling a Final Settlement Hearing at which the request for final approval of the proposed Settlement, Plaintiff's Counsels' application for an award of attorneys' fees and costs, and for the entry of the Final Judgment and Order will be considered. A proposed Order Preliminarily Approving the Class Settlement, Directing the Issuance of Notice to the Class and Scheduling a Settlement Hearing is attached to the Settlement Agreement as Exhibit "A."

Respectfully Submitted,

DATED: September 3, 2010

By: /s/ Brian H. Simmons
BRIAN H. SIMMONS
Buchanan Ingersoll & Rooney
20th Floor, One Oxford Centre
Pittsburgh, Pa 15219
(412) 392-2048 - Phone
(412) 392-2128 - Facsimile
brian.simmons@bipc.com

Attorneys for Defendants

DATED: September 3, 2010

By: /s/ Nicole T. Fiorelli
NICOLE T. FIORELLI, *pro hac vice*
Dworken & Bernstein Co. LPA
60 South Park Place
Painesville, Ohio 44060
(440) 352-3391 – Phone
(440) 352-3469 – Facsimile
nfiorelli@dworkenlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants today (September 9, 2010).

/s/ Nicole T. Fiorelli
Nicole T. Fiorelli, Esq. (*pro hac vice*)
DWORKEN & BERNSTEIN CO., L.P.A.
One of the Attorneys for Plaintiff